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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/957,443	09/18/2001	Jason Zweiback	60901-P001CP1-10103155	2513	
29053 7	7590 12/02/2002				
DALLAS OFFICE OF FULBRIGHT & JAWORSKI L.L.P. 2200 ROSS AVENUE SUITE 2800			EXAMINER		
			PRITCHETT, JOSHUA L		
DALLAS, TX 75201-2784			ART UNIT	PAPER NUMBER	
			2872		

DATE MAILED: 12/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.		(Proper land	,	্রামেরিক ্	AV			
## Art Unit			Application No.		116			
Joshua L Pritchett Joshua	Office Action Summary		09/957,443	ZWEIBACK ET AL	ZWEIBACK ET AL.			
The MALING DATE of this communication appears on the cover sheet with the correspondence address ¬ Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION Expension of the mary to examine a discrete the provisions of 3 CTR 1.15(a). In an event movever, may a righty be timely filled If the pack of for righty specified above a less than thinky (30) leavs, a righty with the statisticy reminium of thinky (31) says will be considered and only a specified above a less than thinky (30) leavs, a righty within the statisticy reminium of thinky (31) says will be considered and only a specified above a less than thinky (30) leavs, a righty within the statistic reminimal fill thinky floor from the maling adds of this communication. If the pack of for righty specified before a less than thinky (30) leavs, a righty within the statistic reminimal fill thinky floor from the maling and communication. If the pack of for righty specified and the specified of the specifie			Examiner	Art Unit				
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2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-95 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are objected to. 8) Claim(s) 1-95 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is/approved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some ol None of: 1. Certified copies of the priority documents have been received in Application No. 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	TH - E - a - If - If - A - e	E MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.13 fter SIX (6) MONTHS from the mailing date of this communication. The period for reply specified above is less than thirty (30) days, a reply NO period for reply is specified above, the maximum statutory period vailure to reply within the set or extended period for reply will, by statute, ny reply received by the Office later than three months after the mailing arned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a y within the statutory minimum of this will apply and will expire SIX (6) MOI, cause the application to become A	reply be timely filed ty (30) days will be considered timely NTHS from the mailing date of this co BANDONED (35 U.S.C. § 133).				
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1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152)								
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)		•	-					
	2) 🔲 No	otice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of					

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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- 1. Claims 39-57, are drawn to an optical mask, classified in class 359, subclass 566.
- II. Claims 58-95, are drawn to a system for producing an optical grating, classified in class 385, subclass 37.

Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of an optical mask having a pattern of bars and spaces. The subcombination has separate utility such as a diffraction grating for a camera.

If Group II is elected claims 1-38 will be examined with claims 58-95.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and have acquired a separate status in the art because of their recognized divergent subject matter, and the fields of search are not coextensive, restriction for examination purposes as indicated is proper.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua L Pritchett whose telephone number is 703-305-7917. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached on 703-308-1687. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

JLP

December 2, 2002

James Phan Primary Examiner